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In re Application of
SPEER, Ulrich et al.
U.S. Application: 10/018,250 : DECISION ON
PCT Application No.: PCT/EP00/05439 :
International Filing Date: 14 June 2000 : REQUEST
Earliest Priority Date: 16 June 1999 :
Attorney's Docket No.: AZ.3032 : UNDER 37 CFR 1.497(d)
For: APPARATUS AND METHOD FOR
COATING AN OPTICALLY
READABLE DATE CENTER :
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This is in response to applicants' "Letter" filed with the United States Patent and Trademark Office on 06 February 2003. It has been treated as a Request under 37 CFR 1.497(d).

BACKGROUND

On 14 June 2000, applicants filed International Application PCT/EP00/05439. A copy of the application was transmitted to USPTO by the International Bureau on 21 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 December 2000, prior to the expiration of nineteen months from the earliest priority date. Accordingly, the thirty month period for entry into the national stage in the United States expired on 17 December 2001 (16 December 2001 was a Sunday).

On 14 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 07 February 2002, the Office mailed Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 03 April 2002, applicants filed a declaration signed by inventor Ulrich Speer, the only listed inventor in the international application, as well as additional inventors Bjorn Lledtke, Joachim Gordt, James Wise, and Hans-Gerd Esser which were not listed in the international application. Applicants provide no statement as to the reason for the addition of inventors. Applicants also filed an assignment on 03 April 2002.

On 17 May 2002, the Office mailed Notification of a Defective Response indicating that the declaration did not comply with 37 CFR 1.497.

On 08 July 2002, applicants submitted "Response to Notice of Defective Response," accompanied by statements from three of the added inventors and the consent of the assignee.

On 31 July 2002, the Office mailed Notification of Defective Response indicating that applicants had not satisfied 37 CFR 1.497.

On 05 August 2002, applicants submitted "Letter" accompanied by a statement from the fourth added inventor.

On 02 December 2002, the Office mailed Decision On Request Under 37 CFR 1.497(d), dismissing the request without prejudice.

On 06 February 2003, applicants submitted the instant renewed request.

DISCUSSION

The inventor in the international application is Ulrich Speer.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) were previously met.

Item (3) has now been satisfied.

CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is **GRANTED**.

The application has an international filing date of 14 June 2000 under 35 U.S.C. §363 and a date of 03 April 2002 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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